

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SEVEN Z ENTERPRISES, INC.,	:	CIVIL ACTION NO. 2:17-CV-740
<i>et al.</i> ,	:	
	:	(Chief Judge Conner)
Plaintiffs	:	
	:	
v.	:	
	:	
GIANT EAGLE, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 22nd day of November, 2019, upon consideration of plaintiffs’ motion (Doc. 270) for leave to file a second supplemental complaint, and the parties’ briefing with respect thereto, (Docs. 271, 274, 288), and the court observing that Federal Rule of Civil Procedure 15(d) allows—with court approval—“a party to serve a supplemental pleading setting out any . . . event[s] that happened after the date of the pleading to be supplemented,” FED. R. CIV. P. 15(d), and the court further observing that “requests to supplement pleadings should be freely granted to permit the economic resolution of all related disputes between parties,” Coca-Cola Bottling Co. of Elizabethtown, Inc. v. Coca-Cola Co., 668 F. Supp. 906, 923 (D. Del. 1987), and that the decision whether to permit a supplemental pleading is committed to the sound discretion of the district court, see Hassoun v. Cimmino, 126 F. Supp. 2d 353, 360 (D.N.J. 2000), and that courts will generally grant leave to file a supplemental pleading when “the supplemental facts [or claims] are connected to the original pleading,” id. at 361, unless an opposing party shows

undue delay, bad faith on the part of the movant, or prejudice to the nonmoving party, see id.; Kounelis v. Sherrer, 396 F. Supp. 2d 525, 529 (D.N.J. 2005), and, following review of the proposed supplemental facts and claims, (see Doc. 270-1), and upon examining defendant's concerns with respect to the ever-expanding scope of this litigation, (see Doc. 274 at 2-3),¹ and the court concluding that the supplemental facts and claims are connected to the first supplemental complaint (Doc. 79) and that the interest of justice favors granting leave to file a supplemental pleading under the circumstances, it is hereby ORDERED that plaintiffs' motion (Doc. 270) to file a second supplemental complaint is GRANTED. Plaintiffs shall file their second supplemental complaint as proposed and attached to the instant motion, (see Doc. 270-1), forthwith, and defendant shall respond thereto in accordance with the Federal Rules of Civil Procedure.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ We are likewise troubled by the seemingly unending expansion of this litigation, the parties' frequent and contentious discovery disputes, excessive motion practice, and the resultant expenditure of considerable judicial resources. As we have informed the parties during numerous teleconferences, this litigation needs to move forward. That can only happen, however, if the pleadings close. In light of the instant order, that day is not today. Nevertheless, any further requests to supplement the pleadings in this case will be carefully scrutinized and will only be granted upon a showing of good cause.